

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE**

UNITED STATES OF AMERICA,

Plaintiff,

v.

**Land and Buildings Located at 1 Maple Mountain
Road, Pittsburg, New Hampshire, with all
Appurtenances and Improvements Thereon,
owned by Rene Joyal;**

**Land and Buildings Located at 29 Broad Road,
Dracut, Massachusetts, with all Appurtenances and
Improvements Thereon, owned by
Christine L. Sylvester;**

Defendants-in-Rem.

Civil No. 05-242-SM

**ORDER FOR INTERLOCUTORY SALE OF LAND AND BUILDINGS
LOCATED AT 29 BROAD ROAD, DRACUT MASSACHUSETTS**

Having reviewed the Motion for Interlocutory Sale of Land and Buildings Located at
29 Broad Road, Dracut, Massachusetts,

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that:

1. The defendant property located at 29 Broad Road, Dracut, Massachusetts, shall be
sold at an interlocutory sale pursuant to the terms set forth in the Assented-To Motion for
Interlocutory Sale;

2. Christine L. Sylvester will execute promptly any documents which may be required to
complete the interlocutory sale of the defendant property;

3. James W. McCarthy, II, Esquire, counsel for claimant Christine L. Sylvester, will
select a licensed real estate broker to market and sell the defendant property, pursuant to a

brokerage agreement for a term of at least 120 days, at a price to be determined by the broker and the owners of record of not less than 95 percent of the value of the property shown on the appraisal;

4. James W. McCarthy, II, Esquire will notify the United States of all reasonable offers to purchase the defendant property;

5. If the highest offer to purchase obtained within the term of the brokerage agreement is less than 95 percent of the appraised value, the sale shall go forward only if the United States and all parties in interest agree to the sale. If an offer to purchase is received for a figure of 95 percent or more of the appraised value, the broker and the owners of record may enter into a sales contract without the prior consent of the United States and all parties in interest. The United States may, in its sole discretion, reject any offer to purchase the defendant property where it determines that the offer is being made by, or on behalf of, a person involved in the criminal activity alleged as the basis for forfeiture;

6. The purchase price of the defendant property will be a cash price;

7. The net proceeds from the sale of the defendant property will include all money realized from the sale of the defendant property, except for the following:

a. Real estate commissions, if any, capped at 6%;

b. The amounts due to lienholder Mortgage Electronic Registration System, Inc. pursuant to a mortgage evidenced by documents recorded at the Middlesex North Registry of Deeds;

c. Amounts due the holder of any other valid lien which was recorded at the Middlesex North Registry of Deeds prior to the time the United States' Notice of *Lis Pendens* was recorded;

d. Real estate property taxes which are due and owing;

e. Insurance costs, if any;

f. Escrow fees;

g. Document recording fees not paid by the buyer;

h. Title fees;

i. Transfer taxes;

8. The net proceeds realized from the sale of the defendant property shall be substituted as a "substitute res" for the property named in the indictment, and shall be remitted to the custody and control of the United States Immigration and Customs Enforcement as the substitute res in this case, and held pending further order of the Court;

9. The record owner will retain custody, control, and responsibility for the defendant property, will retain existing hazard and homeowners' insurance on the defendant property, will maintain the structure and grounds in a manner consistent with offering the defendant property for sale, and will keep current on all expenses required by federal, state and local law (including real property taxes) until the interlocutory sale has been completed.

Dated: August 21, 2007

/s/ Steven J. McAuliffe

Steven J. McAuliffe
Chief Judge

cc: All Counsel of Record